

SICK LEAVE BANK RULES

Three (3) pages. Revised 05/2/2023.

I. PURPOSE

The purpose of the Sick Leave Bank is to provide sick leave to members of the program who have suffered a catastrophic illness, injury, or disability and whose personal sick leave is exhausted. Catastrophic injury, illness, or disability is defined as a life-threatening condition(s) affecting the mental or physical health of the employee. The illness or injury must require the services of a healthcare provider.

II. ADMINISTRATION

- A. The Sick Leave Bank shall be administered by five (5) Trustees: Two (2) members appointed by the School Board from its membership, two (2) members appointed by the Association from its membership, and the Director who shall serve as chairperson.
- B. In the event that any member is unable to be present at any meeting of the sick leave bank trustees, the member may appoint a representative to serve during a particular meeting if authorization is given in writing by the absent trustee.
- C. All appointments shall be for three-year staggered terms and can be replaced only because of death, retirement, resignation and/or discontinuation of employment with the Board or at the expiration of a term.
- D. Any vacancy shall be filled for the remainder of the term by the appointing authority in the same manner as the original appointments were made.
- E. Trustees are eligible to succeed themselves.

III. RULES

- A. All persons employed in the school system who are entitled to sick leave under the provisions of T.C.A. § 49-5-710 shall be eligible to participate in the Sick Leave Bank; however, a minimum participation of twenty (20) employees shall be required to establish the bank.
- B. Any employee who elects to participate in the Bank shall initially have two (2) days of sick leave deducted from his/her personal accumulation and donated to the Sick Leave Bank. Employees electing to participate shall do so during the months of August, September, or October of any year. Donations of sick leave to the Bank are nonrefundable and nontransferable.
- C. Any time the number of days in the Sick Leave Bank is less than twenty (20), or one (1) per member if there are more than twenty (20) members, or at any time deemed advisable, the Trustees shall assess each member one (1) or more days of accumulated sick leave at the time of the assessment. If a member has no accumulated sick leave at the time of the assessment, the first earned days shall be donated as they are accrued by the member.
- D. Any employee, member or non-member, may voluntarily donate sick days to the bank at any time barring they do not donate more than one-half of their sick leave balance. An exception may be made in the event of retirement or terminating employment. Members will still be subject to donating additional days if the Sick Leave Bank is assessed. Voluntarily donated days are nonrefundable and nontransferable.

- E. By written notice to the Trustees, a member may withdraw from Bank participation on any June 30. Membership withdrawal shall result in forfeiture of all days contributed.
- F. Members of the Sick Leave Bank shall be eligible to make application to the Bank for sick leave only having been a member of the Bank for thirty (30) calendar days.
- G. A participant shall not receive any sick leave from the bank until after having exhausted all accumulated sick, personal, and when applicable, vacation leave, including all paid board extensions.
- H. Leave requests submitted to the Trustees and granted from the Bank shall not be more than twenty (20) consecutive days for which the individual applicant would have otherwise lost pay. Applicants may submit requests for extensions of such leave grants before or after their prior grants expire. The number of requested days to be considered by the Trustees at any one time by any one participant shall not exceed twenty (20) days. The maximum number of days any participant may receive in any fiscal year is forty (40). The maximum number of days any participant may receive as a result of any one illness, or recurring diagnosed illness or accident is ninety (90).
- I. In the event a member is physically or mentally unable to make a request to the Sick Leave Bank for use of sick leave days, a family member or agent may file the request.
- J. If the trustees determine necessary, they may require a physician's certificate of condition from any member requesting leave. Refusal to comply will result in denial of the pending request for use of sick leave days from the Bank.
- K. Sick leave granted to a member from the Bank need not be repaid by the individual except as all members are uniformly assessed.
- L. Grants of sick leave from the Sick Leave Bank shall not be made to any member on account of any elective surgery, uncomplicated pregnancy, or illness of any member of the participant's family, or during any period the member is receiving disability benefits from social security or the state or local retirement plan, short or long term disability insurance benefits, or for the period of disability when monies are paid to the member under the Workers Compensation Law under Chapter 10 of Title 50.
- M. A member shall lose the right to obtain the benefits of the Sick Leave Bank by:
 - Resignation or termination of employment with the system;
 - Changing to part-time employment status;
 - Cancellation of participation which is effective on June 30 next;
 - Refusal to honor assessments made by the Trustees;
 - Being on an approved non-medical leave of absence as defined by MCS Administrative Directive PER1.
 - Retirement.
- N. Any member who receives Bank grants using any material misrepresentation of facts will be liable for the reimbursement of all salary and benefits expended by the Bank. All members consent to payroll deduction for the reimbursement of grants from the Bank paid as a result of any material misrepresentation of facts.

IV. PROCEDURES

- A. Application to participate in the Sick Leave Bank shall be made on forms approved by the State of Tennessee and Trustees and filed with personnel records in the office of Human Resources. Incomplete forms will not be considered.
- B. All requests to draw upon the Bank must be made upon a Sick Leave Bank request form and submitted to the Sick Leave Bank Coordinator within thirty (30) calendar days of the first date bank usage is requested. In extreme and unusual cases, exceptions may be approved.

- C. Grants from the Bank will not be approved until the member has exhausted all accumulated leave.
- D. All requests to draw from the Bank must have a physician's signature certifying the urgency of the medical leave and be accompanied by a statement from the physician's office that the leave being requested is medically required by the specific illness or disability. Such statement must be signed and dated by the physician.
- E. The trustees shall act affirmatively or negatively on all applications within ten (10) calendar days of receipt of the application by the Sick Bank Leave Coordinator. The Sick Bank Leave Coordinator or designee will forward the application to the Trustees for their review and action. The Trustees shall fax or hand-deliver their decision to the Sick Leave Bank Coordinator.
- F. All actions of the Trustees shall require three (3) affirmation votes. The decision of the Trustees shall be final.
- G. An applicant may be required to undergo at his/her expense a medical review by a physician approved by the Trustees. Refusal to comply will result in denial of the pending request for use of sick leave days from the Bank.
- H. All records of the Sick Leave Bank shall be kept in the office of the system that handles sick leave records. The Trustees shall inform the Sick Leave Bank Coordinator of all applications they approve and the amount of leave granted.
- I. The Bank shall be dissolved when membership falls below twenty (20) or upon a majority vote of the Trustees following an open hearing by the Bank membership.
- J. In the event the Sick Leave Bank is dissolved, the total days on deposit shall be returned to the then participating members and credited to their personal sick leave accumulation in proportion to the number of days each has contributed individually. Days returned under this section and credited to the individual participant's accumulation shall be rounded to the nearest one-half (1/2) day.
- K. The enrollment authorization shall remain in effect for the current and subsequent years unless cancelled in writing. Cancellation shall be effective on the following June 30th. Membership withdrawal shall result in the forfeiture of all days contributed.